

WAIVER OF SERVICE OF SUMMONS

To: Frankel & Newfield, P.C.

I acknowledge receipt of your request that we waive service of a summons in the action of John Magee v. Metropolitan Life Insurance Company, which is case number U.S.D.Ct., S.D.N.Y. 07 Civ. 8816(WHP)(HP) in the United States District Court for the Southern District of New York. We have also received a copy of the complaint in the action, two copies of this instrument, and a means by which we can return the signed waiver to you without cost to me.

We agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that we be served with judicial process in the manner provided by Rule 4.

We will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

We understand that a judgment may be entered against us if an answer or motion under Rule 12 is not served upon you within 60 days after October 19, 2007.

Date: October²⁶, 2007


Title: Counsel
Legal Department, Met Life